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ALEXANDRIA, VA 22314

MAILED

JUL 31 2009

OFFICE OF PETITIONS

In re Application of :  
Young Su LEE :  
Application No. 09/657,573 : DECISION ON PETITION  
Filed: September 8, 2000 :  
Attorney Docket No. EM/LEE/5990 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before March 10, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed, December 10, 2003, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 11, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 3.

With respect to item 3: The renewed petition dated December 16, 2008, has been acknowledged, however, the party having the right to reply to the outstanding Office action dated July 3, 2003, has not provided a sufficient explanation as to what efforts were made to reply and why no reply was filed. Bacon and Thomas, a responsible party in this application, has not provided an explanation as to why the issue fee was not paid after receiving instructions on March 10, 2004. Also, Bacon and Thomas has not explained why actions were not taken to

revive this application prior to the filing of a petition under 37 CFR 1.137(b) on August 12, 2008.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any renewed petition may be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the Diane Goodwyn at (571) 272-6735.



for Thurman Page  
Petitions Examiner  
Office of Petitions